

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION**

**ARBUDA ENTERPRISES, INC. DBA  
SAFARI INN,**

**Plaintiff**

**VS.**

**SENECA SPECIALTY INSURANCE  
COMPANY**

**Defendant**

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**Civil Action No. 4:19-cv-1103**

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**DEFENDANT SENECA SPECIALTY INSURANCE COMPANY'S  
NOTICE OF REMOVAL**

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TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

Pursuant to 28 U.S.C. §§ 1441 and 1446, Seneca Specialty Insurance Company ("Seneca"), Defendant in Cause No. 2019DCV-0737-F, pending in the 214th Judicial District Court of Nueces County, files this Notice of Removal to the United States District Court for the Southern District of Texas, Corpus Christi Division, on the basis of diversity of citizenship and jurisdictional amount, and respectfully shows the Court the following:

**I. FACTUAL BACKGROUND**

1. This fire loss insurance dispute is based on alleged property damage to a commercial property located at 3640 Leopard, Corpus Christi, Texas 78408. On or about February 19, 2019, Plaintiff Arbuda Enterprises, Inc. d/b/a Safari Inn ("Plaintiff") filed its Original Petition in the matter styled as Cause No. 2019DCV-0737-F; *Arbuda Enterprises, Inc. DBA Safari Inn, v. Seneca Specialty Insurance Company*; in the 214th Judicial District Court of Nueces County, Texas.

2. Plaintiff served Seneca with its Original Petition on or about February 25, 2019. Accordingly, Seneca files this timely Notice of Removal within thirty (30) days of receiving service of process and citation. 28 U.S.C. § 1446(b).

## **II. BASIS FOR REMOVAL**

3. Removal is proper based upon diversity of citizenship under 28 U.S.C. §§ 1332(a)(1), 1441(a), and 1446.

### **A. The Proper Parties Are Diverse**

4. Upon information and belief, and as pled in Plaintiff's Original Petition, Plaintiff is a Texas company operating in Nueces County, Texas. Plaintiff's Original Petition at p. 1, ¶ 2.

5. Both at the time the lawsuit was originally filed, and at the time of removal, Defendant Seneca is a corporation incorporated and existing under the laws of New York, keeping its principal place of business in New York.

6. Because Plaintiff is a citizen of Texas and Defendant Seneca is a citizen of New York, complete diversity of citizenship exists among the parties.

### **B. The Amount in Controversy Exceeds the Jurisdictional Requirements for Diversity Jurisdiction**

7. The amount in controversy requirement for diversity jurisdiction under 28 U.S.C. § 1332(a) is clearly satisfied in this case as evidenced by Plaintiff's Original Petition, in which Plaintiff expressly alleges that it "seeks monetary relief over \$200,000 but not more than \$2,000,000, including damages of any kind, penalties, costs, expenses, pre-judgment interest, and attorney fees." Plaintiff's Original Petition at p. 2, ¶ 4. This amount clearly exceeds the requirement for subject matter jurisdiction, and demonstrates that the amount in controversy requirement is satisfied.

**C. Removal is Procedurally Correct**

8. Plaintiff commenced this civil action against Seneca in state court on February 19, 2019. Seneca first received notice of Plaintiff's Original Petition on February 25, 2019. Seneca is filing this Notice within the 30 day time period required by 28 U.S.C. § 1446(b) and within a year of the date suit was first filed in state court.

9. Venue is proper in this District and Division under 28 U.S.C. § 1446(a) because this District and Division include the county in which the state action has been pending and because a substantial part of the events giving rise to Plaintiff's claims allegedly occurred in this District and Division. *See* Plaintiff's Original Petition at p. 2, ¶ 6.

10. Pursuant to 28 U.S.C. § 1446(a), attached hereto is the Index of Matters Being Filed that clearly identifies each document and indicates the date the document was filed in state court. Attached is a copy of the docket sheet, and all documents filed in the state court action as identified on the Index of State Court Documents.

11. Pursuant to 28 U.S.C. § 1446(d), promptly after Seneca files this Notice, written notice of the filing will be given to Plaintiff.

12. Pursuant to 28 U.S.C. § 1446(d), a true and correct copy of this Notice will be promptly filed with the Clerk of the Nueces County District Court after Seneca files this Notice.

**III. CONCLUSION**

Based upon the foregoing, and other documents filed contemporaneously with this Notice of Removal and fully incorporated herein by reference, Defendant Seneca Specialty Insurance Company hereby removes this case to this Court for trial and determination.

By: /s/ James N. Isbell

James N. Isbell

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***Counsel for Defendant Seneca Specialty  
Insurance Company***

**CERTIFICATE OF SERVICE**

I hereby certify that on the 25th day of March, 2019, a true and correct copy of the foregoing was served via e-service, to the following:

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/s/ Christopher Avery  
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